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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,110	09/19/2005	Masato Nishikawa	2003JP307	1045
26289 7590 03/05/2009 AZ ELECTRONIC MATERIALS USA CORP.				INER
ATTENTION: INDUSTRIAL PROPERTY DEPT. 70 MEISTER AVENUE			EGWIM, KELECHI CHIDI	
SOMERVILLE	=		ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			03/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
Office Action Occurrence	10/550,110	NISHIKAWA ET AL.					
Office Action Summary	Examiner	Art Unit					
	Dr. Kelechi C. Egwim	1796					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	•				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	I. lely filed the mailing date of this communical (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 14 No.	ovember 2008.						
,— · · · · · · · · · · · · · · · · · · ·	action is non-final.						
3) Since this application is in condition for allowan	nce except for formal matters, pro	secution as to the merits	is				
closed in accordance with the practice under E							
Disposition of Claims							
4)⊠ Claim(s) <u>1-13 and 15-19</u> is/are pending in the a	application.						
4a) Of the above claim(s) <u>4,5 and 17-19</u> is/are v							
5) Claim(s) <u>1,2 and 6-12</u> is/are allowed.							
6) Claim(s) 3,13,15 and 16 is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	•						
	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Ex			• •				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign	priority under 35 LLS C & 110(a)	(d) or (f)					
a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 33 0.3.6. § 119(a)	-(u) or (r).					
1.☐ Certified copies of the priority documents	s have been received						
2. Certified copies of the priority documents		an No					
3. Copies of the certified copies of the prior							
application from the International Bureau	•	d III tilis National Stage					
* See the attached detailed Office action for a list of		Н					
dee the attached detailed Office action for a list of	or the certified copies not receive	u.					
Attachment(s)	,, — , , , , ,	(DT 0 110)					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)						
3) Notice of Dransperson's Patent Drawing Review (P10-946) 3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P						
Paper No(s)/Mail Date <u>11/24/2008</u> .	6)						

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DETAILED ACTION

Claim Rejections - 35 USC § 102

- 1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 2. Claims 3, 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-51125155, JP-36022145, JP-03200805 or JP-51125154, for reasons cited in the previous action

Response to Arguments

- 3. Applicant's arguments filed 11/14/2008 have been fully considered but they are not persuasive.
- 4. The claims are to a product not a process. Even though product-by-process claims are limited and defined by the process, determination of patentability is based on the product itself. The patentability of the product does not depend on it's method of production. If the product in the product-by-process claim is the same as a product of the prior art, the claim is unpatentable even thought the prior product was made by a different process. See In re Marosi, 218 USPQ 289 (Fed. Cir. 1983) and In re Thorpe, 227 USPQ 964 (Fed. Cir. 1985). See also MPEP § 2113.

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Allowable Subject Matter

5. Claims 1, 2 and 6-12 are allowable for reasons cited in the previous action.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kelechi C. Egwim whose telephone number is (571) 272-1099. The examiner can normally be reached on M-T (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dr. Kelechi C. Egwim/ Primary Examiner, Art Unit 1796

KCE